

REMARKS

Reconsideration of the present application, as amended, is respectfully requested.

Claims 1-3, 5-7, 9-14, 16-18, 20 and 22 are pending, with claims 1, 13 and 22 being independent. The previously presented claims have been selectively amended, Claims 19 and 21 have been canceled without prejudice, and new claim 22 has been added without introduction of any new matter.

In the Office Action, claims 1-3, 5-7, 9-14, 16-21 and 19-20 stand rejected under 35 U.S.C. §112, first paragraph for lack of enablement.

The Examiner contends that the specification does not describe how to use the two parameters to adjust the display based on a distance between the eyes of a viewer. OA, the paragraph bridging pp. 2 and 3.

Turning to p. 2, lines 7-14 of the application, it is disclosed that two images render a comfortable stereoscopic image if a distance between the images substantially corresponds to the distance between the eyes of the viewer which is assumed to be substantially uniform. However, people have different physical attributes including the distance in question. The prior art systems do not have a means for adjusting the distance between the two images. As a result, people with the eyes set at an “abnormal” distance may not experience a comfortable view. Consequently, the present disclosure remedies this drawback by providing control means for adjusting the two images relative to one another. Once the stereoscopic image feels comfortable it means that the adjusted distance between the two images substantially corresponds to the distance between the viewer’s eyes. In other words, one of criteria of a comfortable 3-D image view – the distance between the eyes – is known, and the present disclosure explicitly incorporates this criterion rather than dispels it by unambiguously describing a means for controlling the distance between the images. Once the view is comfortable, the criterion is met. Accordingly, the subject matter of each of amended Claims 1 and 13 is fully described in a specification, and one of ordinary skills would not have a problem to practice the recited structures. Withdrawal and reconsideration of the 35 U.S.C. §112, first paragraph rejection are respectfully requested.

Claims 1-3, 5-7, 9-14 and 16-21 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,816,158 (Lemelson) in view of U.S. Patent No. 6,760,020 (Uchiyama).

Claim 1 has been amended to recite, in part, the following:

"display means for displaying two sub-images spaced from one another at a first distance along an X-axis and a second distance along a Z-axis so as to render the stereoscopic image; a single user control operative to adjust the first and second distances of the stereoscopic image displayed by the display means, wherein at least the first distance of the stereoscopic image displayed on the display means is adjusted to correspond to a distance between eyes of a user."

Lemelson teaches oscillating "the image pairs horizontally" for providing a 3D stereoscopic image for multiple viewers. In addition "flexibility in viewing locations is accomplished through control of the viewing distance from the screen." Lemelson, col. 7, lines 42-59 and col. 8, lines 5-17. Thus, in contrast to Claim 1, Lemelson does not teach adjusting **two distances**, since oscillating the image does not change any of its parameters. To change the parameters of a stereoscopic image, two sub-images have to be displaced relative to one another in two different planes. Consequently, Lemelson teaches modifying only one parameter-the width of lines that controls a distance between two sub-images along an X-axis. Accordingly, Lemelson not only fails to teach adjusting "the first and second distances", but also the reference fails to teach "a single user control operative to adjust the first and second distances", as recited by Claim 1.

To cure this deficiency of Lemelson, the Examiner cites Uchiyama. This reference suggests modifying a stereoscopic image by adjusting an X-axis distance and a convergence angle by a stencil buffer. Uchiyama, col. 5, lines 1-11. Accordingly, as the Examiner admits, Uchiyama does not suggest using a single use control for adjusting the above-mentioned values.

There is no motivation for an artisan to utilize a two-parameter adjustment of Uchiyama in a system taught by Lemelson. First, as discussed above, Lemelson teaches adjusting a single parameter – an X-axis distance between sub-images. No teaching is provided by Lemelson for adjusting a Z-axis distance. If such an adjustment were made possible in Lemelson, then when a

stereoscopic image was switched between two viewers, it simply might not be in focus for one of the viewers. As a consequence, an artisan would not be motivated to combine the cited references since the operational principle of Lemelson may be compromised. (See, *In re Rouffet*, U. S. Court of Appeals Federal Circuit, U.S.P.Q. 2d, 1453, 1458.) Second, the only source that teaches how to adjust two distances by a single control is the present invention. Therefore, the Examiner's combination of the cited references can arrive at Applicants' invention as recited in Claim 1 only by using impermissible hindsight derived from the Applicant's invention. (See, *Smith Industries Medical Systems, Inc. v. Vital Signs, Inc.*, 183 D.3d 1347, 1356, 51 USPQ 1415, 1420-21 (Fed. Cir. 1999)).

Thus, a combination of Lemelson and Uchiyama is improper, and even if such a combination was attempted, the resulting structure still would not have a single control for adjusting X-axis and Z-axis distances as recited by amended Claim 1. Accordingly, Claim is patentable over the cited combinations.

### Claim 13

Independent claim 13 has been amended to include at least some of the limitations discussed above in reference to Claim 1 and, thus, is patentable of the combination cited by the Examiner.

### Dependent Claims

All pending dependent claims depend on Claims 1 and 13, respectively and, therefore, benefit from the respective patentability.

Consequently, withdrawal and reconsideration of the 35 U.S.C. §103(a) of remaining claims are in order.

### New independent Claim 22

Claim 22 recites, among others, the following

"a plurality of lenticules configured to deflect the stereoscopic image and overlaying the display elements, the plurality of lenticules having respective parallel axes extending transversely to a plurality of vertical columns and horizontal rows of the display elements"

Lemelson discloses that “[T]he lenticules 19 are vertically oriented convex lenses attached parallel to each other.” Col. 2, lines 64-66.

Uchiyama suggest a system in which lenticules extend both parallel to a horizontal and a vertical. See FIG. 3, elements 21 and 22.

Accordingly, a combination of the cited reference cannot yield a structure as recited by Claim 22, since neither of the references teaches or suggests positioning lenticules transversely to the horizontal and vertical, as required by Claim 22. Therefore, Claim is patentable over the cited combination.

Note that the same limitation is recited by Claims 2 and Claim 14.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner’s statements are conceded.


It is believed that no additional fees or charges are currently due since the total number of claims is less than 20 in view of canceled claims 3, 4, 8, 15 and 21.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

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